

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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NELSON A. MURRAY,
Plaintiff

MOTION TO SEAL
(Medical Records)

Civil Action No. 17-CV-09121
(PMH)

v.

DUTCHESS COUNTY, ROBERT BALKIND Commissioner
Department of Public Works, in his individual capacity,
MATTHEW DUTCAVICH an individual.

Defendants.

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Comes now plaintiff NELSON A. MURRAY, through counsel Deirdra J Brown, and requests leave to file under seal, pursuant to Rule 5(B) of the Court's Individual Practices and Standing Order 19-mc-583, plaintiff's Exhibits 46 and 48 of his already-served and contemporaneously filed opposition to Defendants' motion for summary judgement. Plaintiff also seeks to have ECF Document #131-10 placed under seal (the "Documents").

Undersigned counsel hereby affirms that the Documents in question are medical records which are "routinely" filed under seal in the district courts of New York. See, e.g., *Paravas v. Tran*, No. 21 Civ. 807, 2022 WL 741590, at *1 (S.D.N.Y. Mar. 11, 2022), quoting *Whichard v. Doe*, 2010 WL 3395288, at *7 (W.D.N.Y. Aug. 25, 2010)). Plaintiff seeks to file these medical records under seal to protect his privacy interest, as they reveal personal and detailed information about his mental health.

Counsel has conferred in good faith with opposing counsel, and this request is made with opposing counsel's consent.

The "Viewing Level" Plaintiff seeks for these Documents is the "Selected Parties" level, as per sections 6.5 and 6.9 of the Electronic Case Filing Rules & Instructions.

Exhibit No.	Description
Exhibit 46	Progress Notes (Therapy) (Ogilvie) (April 2015 - June 2016)
Exhibit 48 a	Medical Report (09-23-21) (Dr. Clarfield)
ECF #	131-10 Therapists Notes (aka Exhibit J of Murray's Affidavit)

Filed this the 28th day of September, 2022.
Poughkeepsie, New York

D. Jen Brown
THE LAW OFFICE OF D. JEN BROWN, PLLC
Counsel for Plaintiff
272 Mill Street
Poughkeepsie, NY 12601

Application granted.

Exhibit J of Murray's Affirmation in Opposition **and** Exhibits 46 and 48a of Brown's Affirmation in Opposition may be filed under seal.

Plaintiff is directed to re-file Doc. 131 *without* the sealed Exhibit, so that the remainder of the filing is publicly available.

The Clerk of the Court is respectfully directed to: **(1)** strike Doc. 131 from the docket, but retain the docket text for the record; **(2)** seal Doc. 138 (and its attachments), permitting access only by the parties and the Court, but retaining the summary docket text for the record; and **(3)** terminate the motion sequences pending at Doc. 137 and Doc. 138.

SO ORDERED.



Philip M. Halpern
United States District Judge

Dated: White Plains, New York
September 29, 2022